

**ENTERED**

April 26, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA

§

V.

§

CRIMINAL NO. H-17-76

DANIEL BART THEDINGER

§

REPORT AND RECOMMENDATION

Before the court, by referral pursuant to 28 U.S.C. §636(b), is the matter of the re-arraignment of Daniel Bart Thedinger, defendant in this action. The court, having addressed Defendant personally in open court, now submits its Report and Recommendation.

On April 26, 2017, Defendant, Daniel Bart Thedinger, appeared with counsel before the undersigned magistrate judge for the purpose of entering a guilty plea to Count 1 of the Information charging him with tax evasion, in violation of 26 U.S.C. § 7201.

Defendant, Daniel Bart Thedinger, consented in writing to plead guilty before a United States Magistrate Judge. After conducting said proceeding in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this court makes the following findings of fact:

1. Defendant, Daniel Bart Thedinger, after consultation with counsel of record and with the approval of the government, has knowingly and voluntarily consented to be advised of his rights and to enter a plea of guilty before a U.S. Magistrate Judge subject to final approval and imposition of sentence by Chief United States

District Judge Lee Rosenthal.

2. Defendant Daniel Bart Thedinger is fully competent and capable of entering an informed plea.
3. Defendant Daniel Bart Thedinger is aware of the nature of the charges, the maximum punishment range and other penalties that may be imposed at sentencing.
4. Defendant Daniel Bart Thedinger understands his constitutional and statutory rights and wishes to waive those rights.
5. Defendant Daniel Bart Thedinger is aware that pursuant to the Plea Agreement, he is waiving his right to appeal his conviction and sentence, both directly and collaterally.
6. Defendant Daniel Bart Thedinger understands that the sentencing judge is not bound by any recommendation on sentencing made by either counsel for the government or counsel for the defendant, and that if a recommendation on sentencing is not followed by the sentencing judge, he may not withdraw his plea of guilty.
7. Defendant Daniel Bart Thedinger's plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense charged in Count 1 of the Information.

Based upon the foregoing findings, it is the **RECOMMENDATION** of the undersigned that the guilty plea of Defendant Daniel Bart Thedinger to Count 1 of the Information be **ACCEPTED** by the court and that Daniel Bart Thedinger be adjudged guilty of the offense alleged in Count 1 of the Information, to wit: tax evasion, in violation of 26 U.S.C. § 7201.

The Clerk shall send copies of this Report and Recommendation to the respective parties who have fourteen (14) days from the receipt thereof to file written objections thereto pursuant to Federal Rule of Civil Procedure 72(b) and General Order 2002-13.

Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

The original of any written objections shall be filed with the United States District Clerk electronically. Copies of such objections shall be mailed to opposing parties and to the chambers of the undersigned, 515 Rusk, Suite 7019, Houston, Texas 77002.

SIGNED at Houston, Texas, this 26<sup>th</sup> day of April, 2017.



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U.S. MAGISTRATE JUDGE